

# Calendar No. 510

89TH CONGRESS }  
1st Session }

SENATE

REPORT  
No. 526

## IMPLEMENTING THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, LONDON (1960)

JULY 28 (legislative day, JULY 27), 1965—Ordered to be printed

Mr. PASTORE, from the Committee on Commerce, submitted the following

### REPORT

[To accompany H.R. 7954]

The Committee on Commerce, to which was referred the bill (H.R. 7954) to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960), having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF LEGISLATION

The purpose of this legislation is to amend the Communications Act of 1934 to give full and complete effect to the Convention for the Safety of Life at Sea, formulated in London in 1960. That Convention was ratified by the U.S. Senate on April 12, 1962, and entered into force on May 26, 1965.

#### GENERAL STATEMENT

H.R. 7954 passed the House of Representatives on June 7, 1965, with one amendment. The purpose of the amendment was to make clear the requirement with regard to the direction finding apparatus should apply only to new direction finding apparatus and not to existing installations.

A hearing on H.R. 7954, as well as a companion bill, S. 1949, was held by the committee on June 23, 1965, at which time the Federal Communications Commission Chairman, E. William Henry, testified and supported the proposal. No witnesses appeared in opposition to the bill.

The bill generally modernizes compulsory ship-radio safety requirements. It would make the following substantive changes in present law:

1. Lower the minimum limit from 500 to 300 gross tons with regard to cargo ships which are required to carry radio installations;

2. Eliminate nuclear ships from the categories of ships with regard to which the Commission is authorized to make exemptions insofar as radio installations are concerned; and

3. Eliminate the compulsory radio requirements of the Communications Act for vessels which are navigated both in the open sea and on the Great Lakes during such time that such vessels are on the Great Lakes. Vessels operating on the Great Lakes are subject to the safety radio requirements of the Great Lakes Agreement between the United States and Canada.

The other amendments are generally nonsubstantive and involve changes in terminology, etc.

#### SECTION-BY-SECTION ANALYSIS

Section 1 of this proposal would amend the following subsections of section 3 of the Communications Act of 1934:

1. A definition of the term "nuclear ship" is added in subsection (w).

2. Subsection (x) is revised by substituting "radiotelegraph auto-alarm" for "auto-alarm" wherever the latter term appears in this subsection. This differentiates it from the radiotelephone auto alarm and conforms the terminology of the Communications Act to that used in the safety of life at sea (SOLAS) convention. (See regulations 2(b), 10, ch. IV, SOLAS 1960).

3. Subsection (y) is revised editorially, and the phrase "country to which the ship belongs" is changed to read "country in which the ship is registered" in conformance with convention usage.

4. A new subsection (z) has been added, defining the term "radio officer," in view of the adoption of that term in the SOLAS convention of 1960. (See regulation 2(c), ch. IV, SOLAS 1960). The present subsection (z) is redesignated "(aa)."

5. Present subsections (aa) through (dd) are redesignated "(bb)" through "(ee)," respectively, in order to conform to the new designation given the present subsection (z).

6. Present subsection (ee) and (ff) are deleted, inasmuch as the terms therein defined ("existing installation" and "new installation") have not been employed in parts II and III of title III of the Communications Act or in the Commission's rules. Subsection (gg) is redesignated "(ff)."

Section 2 of this proposal amends section 351 of the Communications Act in the following respects:

1. The heading of that section is amended to read "Ship Radio Stations and Operations" to conform to SOLAS terminology.

2. Paragraph (1) of subsection (a) is amended as follows:

(i) The minimum gross tonnage of cargo vessels to which the compulsory radio requirements apply is lowered from 500 gross tons to 300 gross tons to conform to the convention. (Regulations 3 and 4, ch. IV, regulation 12, ch. V, SOLAS 1960.)

(ii) The term "radio installation" is changed to "radio station" to conform to SOLAS terminology.

(iii) The term "radio officer" is used for clarification and in accordance with SOLAS terminology.

(iv) New subparagraph "(i)" and "(ii)" are added to paragraph (1) of subsection (a). They require that all passenger ships, and all cargo ships of 1,600 gross tons and upward, be fitted with a radio-telegraph station, and permit cargo ships between 300 and 1,600 gross tons the option of carrying a radio-telephone station. This clarifies existing law (secs. 355 and 356 of the Communications Act), and reflects the new 300 gross ton exception provision of paragraph (1) of subsection (a).

3. Paragraph (2) of subsection (a) is clarified editorially.

4. The proviso clauses in paragraphs (1) and (2) of subsection (a) are deleted because they are no longer necessary.

Section 3 of this proposal would amend the following subsections of section 352 of the Communications Act:

1. Paragraph (6) of subsection (a) is amended by striking the words "on the Great Lakes."

2. Paragraphs (7) and (8) are added to except from the provisions of part II, title III, of the act vessels navigating solely on the Great Lakes and the St. Lawrence River, and vessels which navigate both on the Great Lakes and on the open sea while those vessels are on the Great Lakes. (Regulation 3(b), ch. 1, and regulation 1(b), ch. IV, SOLAS 1960.)

3. Subsection (b) is amended to except nuclear ships from the Commission's exemption authority. (Regulation 3, ch. VIII, SOLAS 1960.) Paragraph (1) thereof makes it clear that a passenger ship meeting one of the voyage patterns described in this subsection may be exempted from the requirements of part II, title III, of the Communications Act. (See *Western Trader*, FCC 60-553.)

4. A new subsection (d) is added to spell out the Commission's authority to grant exemption from radio direction finding apparatus requirements (in accordance with regulation 12(b), ch. V, SOLAS 1960, as regards ships subject to SOLAS). This amendment is desirable to clarify the exemption authority of the Commission.

Section 4 of this proposal would amend section 353 in the following respects:

1. The heading is changed to read: "RADIO OFFICERS, WATCHES, AUTO ALARM, RADIOTELEGRAPH EQUIPPED SHIPS."

2. Since the SOLAS 1960 rectified previous ambiguity which existed in the SOLAS 1948 concerning the terms "installation" and "station," editorial clarifications have been made throughout this section by replacing the terms "installation," "auto alarm," and "qualified operator" with the terms "station," "radiotelegraph auto alarm," and "radio officer."

3. Subsection (c) has been amended to include the phrase "while being navigated in the open sea outside of a harbor or port" in substitution for the present phrase "while being navigated outside a harbor or port." This change makes the language of subsection (c) of section 353 consistent with the phraseology of paragraph (1) of subsection (a) of section 351.

4. Subsection (c) has also been amended to provide that the continuous watch is to be maintained whenever the station is not being used for authorized traffic.

Section 5 of this proposal amends section 354 of the Communications Act to make editorial changes in subsection (a) and to change subsection (b) to require a continuous watch whenever the station is not used for authorized traffic. (Regulation 7, ch. IV, SOLAS 1960.)

Section 6 of this proposal would amend section 355 in the following respects:

1. The heading of section 355 is amended to read: "TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS."

2. New subsections (a) through (i) replace the present subsections (a) through (h) to conform to the technical requirements for radiotelegraph stations as set out in the following regulations found in chapter IV, SOLAS 1960:

355(a): Regulations 9(a)(i) and 9(b);

355(b): Regulations 8(a) and 8(e);

355(c): Regulations 8(b) and 8(c);

355(d): Regulations 9(e) and 9(h);

355(e): Regulation 9(g);

355(f): Regulation 9(j);

355(g): Regulations 9(k) and 9(o);

355(h): Regulations 8(d) and 11(f);

355(i): Regulations 11(a) and 11(b).

Section 7 of this proposal amends section 356 of the Communications Act to conform to the technical requirements for radiotelephone equipped ships as set out in regulation 4, chapter IV, SOLAS 1960, and to the following provisions of that chapter:

356(a): Regulations 14(a) and 14(b);

356(b): Regulations 15(b) and 15(f);

356(c): Regulation 15(c)(i); also section 356(c) is made consistent with section 355(e).

356(d): Regulation 15(i).

Section 8 of this proposal amends the heading and text of section 357 of the Communications Act by substituting "survival craft" in lieu of "lifeboat," to conform to the terminology used in Geneva 1959 and SOLAS 1960.

Section 9 of this proposal amends subsection (a) of section 359 of the Communications Act by making editorial amendments and by adding the requirement that the master of a ship of the United States equipped with a radio transmitting apparatus which encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall make the necessary transmission as provided by that subsection. (Regulation 2(a), ch. V, SOLAS 1960.)

Section 10 of this proposal amends section 361 of the Communications Act to change the terminology of the certificates to conform to the terminology used in the convention.

#### AGENCY COMMENTS ON S. 1949

The following comments were received from the interested Government agencies: a letter from Chairman E. William Henry of the Federal Communications Commission dated April 26, 1965, together with the Commission's explanatory statement; a letter from the Federal Maritime Commission dated May 20, 1965; a letter from the Department of the Navy dated May 24, 1965; a letter from the Department of State dated May 25, 1965; a letter from the Comptroller General of the United States dated May 26, 1965; and a letter from the Department of Justice dated June 18, 1965. They are set forth below.



FEDERAL COMMUNICATIONS COMMISSION,  
Washington, D.C., April 26, 1965.

The VICE PRESIDENT,  
U.S. Senate,  
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its legislative program for the 89th Congress a proposal to amend the Communications Act to conform to the Convention for Safety of Life at Sea (SOLAS), London (1960).

Pursuant to its terms, the convention comes into force on May 26, 1965. Article I(a) thereof requires that the contracting governments, including the United States, undertake to promulgate all laws necessary to give the convention full and complete effect.

The Commission's draft bill to accomplish the foregoing objective was submitted to the Bureau of the Budget for its consideration. We have now been advised by that Bureau that from the standpoint of the administration's program there would be no objection to the presentation of the draft bill to the Congress for its consideration. Accordingly, there are enclosed six copies of our draft bill and explanatory statement on this subject.

Early consideration by the Senate of the proposed amendments would be appreciated in view of the early date at which the convention will come into effect. The Commission would be happy to furnish any additional information that may be desired by the Senate or by the committee to which this proposal is referred.

Yours sincerely,

E. WILLIAM HENRY, *Chairman.*

EXPLANATION OF BILL TO AMEND THE COMMUNICATIONS ACT OF  
1934, AS AMENDED, TO CONFORM TO THE CONVENTION FOR THE  
SAFETY OF LIFE AT SEA, LONDON (1960)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the Communications Act of 1934, as amended (47 U.S.C. 153) is amended as follows:

(a) Subsection (w) is amended by adding paragraph (5) to read as follows:

"(5) 'Nuclear ship' means a ship provided with a nuclear power plant."

(b) Subsection (x) is amended to read as follows:

"(x) 'Radiotelegraph auto alarm' on a ship of the United States subject to the provisions of part II of title III of this Act means an automatic alarm receiving apparatus which responds to the radiotelegraph alarm signal and has been approved by the Commission. 'Radiotelegraph auto alarm' on a foreign ship means an automatic alarm receiving apparatus which responds to the radiotelegraph alarm signal and has been approved by the government of the country in which the ship is registered: *Provided*, That the United States and the country in which the ship is registered are parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. Nothing in this Act or in any other provision of law shall be construed to require the recognition of a radiotelegraph auto alarm as complying with part II of title III of this Act, on a foreign ship

subject to such part, where the country in which the ship is registered and the United States are not parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus."

(c) Subsection (y) is amended to read as follows:

"(y)(1) 'Operator' on a ship of the United States means, for the purpose of parts II and III of title III of this Act, a person holding a radio operator's license of the proper class as prescribed and issued by the Commission.

"(2) 'Operator' on a foreign ship means, for the purpose of part II of title III of this Act, a person holding a certificate as such of the proper class complying with the provisions of the Radio Regulations annexed to the International Telecommunications Convention in force, or complying with an agreement or treaty between the United States and the country in which the ship is registered."

(d) Subsection (z) is redesignated "(aa)" and a new subsection (z) is added as follows:

"(z)(1) 'Radio officer' on a ship of the United States means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's license as prescribed and issued by the Commission. When such person is employed to operate a radiotelegraph station aboard a ship of the United States, he is also required to be licensed as a 'radio officer' in accordance with the Act of May 12, 1948, 46 U.S.C. 229a-h.

"(2) 'Radio Officer' on a foreign ship means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's certificate complying with the provisions of the Radio Regulations annexed to the International Telecommunication Convention in force."

(e) Present subsections "(aa)" through "(dd)" are redesignated as "(bb)" through "(ee)", respectively.

(f) Present subsections "(ee)" and "(ff)" are deleted and the present subsection "(gg)" is redesignated "(ff)".

SEC. 2. (a) Section 351 of such Act, as amended, is amended by revising the heading to read as follows: "SHIP RADIO STATIONS AND OPERATIONS"

(b) Subsection (a) of section 351 of such Act, as amended, is amended to read as follows:

"SEC. 351. (a) Except as provided in section 352 hereof it shall be unlawful—

"(1) For any ship of the United States, other than a cargo ship of less than three hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than three hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio station in operating condition, as specified by subparagraphs (i) and (ii) of this paragraph, in charge of and operated by one or more radio officers or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio station as hereinafter provided, and, in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act.

"(i) Passenger ships irrespective of size and cargo ships of 1,600 gross tons and upwards shall be equipped with a

radiotelegraph station complying with the provisions of this part;

"(ii) Cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, unless equipped with a radiotelegraph station complying with the provisions of this part, shall be equipped with a radiotelephone station complying with the provisions of this part.

"(2) For any ship of the United States of sixteen hundred gross tons and upwards to be navigated in the open sea outside of a harbor or port, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with efficient radio direction finding apparatus approved by the Commission, properly adjusted in operating condition as hereinafter provided."

SEC. 3. (a) Subsection (a) of section 352 of such Act, as amended, is amended to read as follows:

"SEC. 352 (a) \* \* \*

"(6) A ship navigating solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States;

"(7) A ship navigating solely on the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd Meridian, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on such waters and within such area;

"(8) A ship which is navigated during the course of a voyage both on the Great Lakes of North America and in the open sea, during the period while such ship is being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada."

(b) Subsection (b) of section 352 of such Act, as amended, is amended by changing the introductory text and paragraph (1) to read as follows:

"(b) Except for nuclear ships, the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio station unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship or class of ships which falls within any of the following descriptions:

"(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or, alternatively, do not go more than two hundred nautical miles between two consecutive ports;"

(c) Section 352 of such Act, as amended, is further amended by adding a new subsection (d) thereto to read as follows:

"(d) Except for nuclear ships, and except for ships of 5,000 gross tons and upwards which are subject to the Safety Convention, the Commission may exempt from the requirements, for radio direction finding apparatus, of this part and of the Safety Convention, any ship which falls within the descriptions set forth in paragraphs (1), (2), (3), and (4) of subsection (b) of this section, if it considers that the route



or conditions of the voyage or other circumstances are such as to render such apparatus unreasonable or unnecessary."

SEC. 4. Section 353 of such Act, as amended, is amended to read as follows:

"RADIO OFFICERS, WATCHES, AUTO ALARM-RADIOTELEGRAPH EQUIPPED SHIPS

"SEC. 353. (a) Each cargo ship which in accordance with this part is equipped with a radiotelegraph station and which is not equipped with a radiotelegraph auto alarm, and each passenger ship required by this part to be equipped with a radiotelegraph station, shall, for safety purposes, carry at least two radio officers.

"(b) A cargo ship which in accordance with this part is equipped with a radiotelegraph station, which is equipped with a radiotelegraph auto alarm, shall, for safety purposes, carry at least one radio officer who shall have had at least six months' previous service in the aggregate as a radio officer in a station on board a ship or ships of the United States.

"(c) Each ship of the United States which in accordance with this part is equipped with a radiotelegraph station shall, while being navigated in the open sea outside of a harbor or port, keep a continuous watch by means of radio officers whenever the station is not being used for authorized traffic: *Provided*, That in lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a radio officer.

"(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which in accordance with this part is equipped with a radiotelegraph station.

"(e) On all ships of the United States equipped with a radiotelegraph auto alarm, said apparatus shall be in operation at all times while the ship is being navigated in the open sea outside of a harbor or port when the radio officer is not on watch."

SEC. 5. Section 354 of such Act, as amended, is amended to read as follows:

"OPERATORS, WATCHES—RADIO TELEPHONE EQUIPPED SHIPS

"SEC. 354. (a) Each cargo ship which in accordance with this part is equipped with a radiotelephone station shall, for safety purposes, carry at least one operator who may be the master, an officer, or a member of the crew.

"(b) Each cargo ship of the United States which in accordance with this part is equipped with a radiotelephone station shall, while being navigated in the open sea outside of a harbor or port, maintain continuous watch whenever the station is not being used for authorized traffic."

SEC. 6. Section 355 of such Act, as amended, is amended to read as follows:



## "TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS

"SEC. 355. The radiotelegraph station and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:

"(a) The radiotelegraph station shall include a main installation and a reserve installation, electrically separate and electrically independent of each other: *Provided*, That, in installations on cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, and in installations on cargo ships of 1,600 gross tons and upwards installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.

"(b) The radiotelegraph station shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals, and shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load waterline. The location of the radiotelegraph operating room or rooms shall be approved by the Commandant of the Coast Guard. The radiotelegraph installation shall be installed in such a position that it will be protected against the harmful effects of water or extremes of temperature, and shall be readily accessible both for immediate use in case of distress and for repair.

"(c) The radiotelegraph operating room shall be of sufficient size and of adequate ventilation to enable the main and reserve radiotelegraph installations to be operated efficiently, and shall not be used for any purpose which will interfere with the operation of the radiotelegraph station. The sleeping accommodation of at least one radio officer shall be situated as near as practicable to the radiotelegraph operating room. In ships the keels of which are laid on or after May 26, 1965, this sleeping accommodation shall not be within the radiotelegraph operating room.

"(d) The main and reserve installations shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.

"(e) The main and reserve installations shall, when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; i.e., they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.

"(f) Sufficient electrical energy shall be available at all times to operate the main installation over the normal range required by subsection (e) of this section as well as for the purpose of charging any batteries forming part of the radiotelegraph station.

"(g) The reserve installation shall include a source of electrical energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. The reserve source of energy and its switchboard shall be as high as practicable in the ship and readily accessible to the radio officer.

"(h) There shall be provided between the bridge of the ship and the radiotelegraph operating room, and between the bridge and the location of the radio direction finding apparatus, when such apparatus is not located on the bridge, an efficient two-way system for calling and voice communication which shall be independent of any other communication system in the ship.

"(i) The radio direction finding apparatus shall be efficient and capable of receiving signals with the minimum of receiver noise and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the radiotelegraph frequencies assigned by the Radio Regulations annexed to the International Telecommunication Convention in force for the purposes of distress, direction finding, and maritime radio beacons, and such other frequencies as the Commission may for safety purposes designate."

SEC. 7. Section 356 of such Act, as amended, is amended to read as follows:

"TECHNICAL REQUIREMENTS—RADIOTELEPHONE EQUIPPED SHIPS

"SEC. 356. Cargo ships of 300 gross tons and upwards but less than 1,600 gross tons may, in lieu of the radiotelegraph station prescribed by section 355, be equipped with a radiotelephone station complying with the following requirements:

"(a) The radiotelephone station shall be in the upper part of the ship, so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals, and, unless such station is situated on the bridge, there shall be efficient communication with the bridge.

"(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.

"(c) The radiotelephone installation shall have a minimum normal range of one hundred and fifty nautical miles, i.e., it shall be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range.

"(d) There shall be available at all times a main source of electrical energy sufficient to operate the installation over the normal range required by subsection (c) of this section. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six continuous hours under normal working conditions. In installations made on or after November 19, 1952, a reserve source of electrical energy shall be provided in the upper part of the ship unless the main source of energy is so situated."

SEC. 8. Section 357 of such Act, as amended, is amended to read as follows:

"SURVIVAL CRAFT

"SEC. 357. Every ship required to be provided with survival craft radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to

such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, 'radio equipment' shall include portable as well as nonportable apparatus."

SEC. 9. Subsection (a) of section 359 of such Act, as amended, is amended to read as follows:

"SEC. 359. (a) The master of every ship of the United States, equipped with radio transmitting apparatus, which meets with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, or encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall cause to be transmitted all pertinent information relating thereto to ships in the vicinity and to the appropriate authorities on land, in accordance with rules and regulations issued by the Commission. When they consider it necessary, such authorities of the United States shall promptly bring the information received by them to the knowledge of those concerned, including interested foreign authorities".

SEC. 10. Section 361 of such Act, as amended, is amended to read as follows:

#### "CERTIFICATES

"SEC. 361. (a) Each vessel of the United States to which the Safety Convention applies shall comply with the radio and communication provisions of said Convention at all times while the vessel is in use, in addition to all other requirements of law, and shall have on board an appropriate certificate as prescribed by the Safety Convention.

"(b) Appropriate certificates concerning the radio particulars provided for in said Convention shall be issued upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Cargo Ship Safety Radiotelegraphy Certificates, Cargo Ship Safety Radiotelephony Certificates, and Exemption Certificates with respect to radio particulars shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of the certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith."



EXPLANATION OF BILL TO AMEND THE COMMUNICATIONS ACT OF 1934, AS AMENDED, TO CONFORM TO THE CONVENTION FOR THE SAFETY OF LIFE AT SEA, LONDON (1960)

Upon the invitation of the Inter-Governmental Maritime Consultative Organization, a conference was held in London during May and June 1960, a major purpose of which was the drafting of a convention to replace the International Convention for the Safety of Life at Sea, signed in London in 1948. The Commission was represented at the Conference by Commissioner Robert T. Bartley, and by Curtis B. Plummer, Harold R. Woodyard, and Duncan Peters of the Commission's staff.

As a result of its deliberations, the Conference prepared and opened for signature and acceptance the International Convention for the Safety of Life at Sea, 1960, (SOLAS) to replace the International Convention for the Safety of Life at Sea, 1948.

Pursuant to article XI of SOLAS, the Inter-Governmental Maritime Consultative Organization has informed all governments which have signed or accepted the present convention (including the United States) that it shall come into force on May 26, 1965.

Article I(b) of SOLAS requires, among other things, that the contracting governments undertake to promulgate all laws necessary to give the convention full and complete effect. The Commission recommends that Congress implement the provisions of SOLAS by amending the Communications Act of 1934 as set forth in the attached proposal.

The major substantive changes recommended herein are: (1) the extension of the application of compulsory radio installation requirements to cargo ships as low as 300 gross tons (now 500 gross tons); (2) elimination of nuclear ships from the Commission's exemption authority; and (3) elimination of applicability of the compulsory radio requirements of part II, title III, of the Communications Act to vessels while they are navigating on the Great Lakes. An explanation of specific changes follows.

Section 1 of this proposal would amend the following subsections of section 3 of the Communications Act of 1934:

1. A definition of the term "nuclear ship" is added in subsection (w).
2. Subsection (x) is revised by substituting "radiotelegraph auto-alarm" for "auto-alarm" whenever the latter term appears in this subsection. This differentiates it from the radiotelephone auto alarm and conforms the terminology of the Communications Act to that used in the SOLAS convention. (See regulations 2(b), 10, ch. IV, SOLAS 1960.)
3. Subsection (y) is revised editorially, and the phrase "country to which the ship belongs" is changed to read "country in which the ship is registered" in conformance with convention usage.
4. A new subsection (z) has been added, defining the term "radio officer," in view of the adoption of that term in SOLAS 1960. (See regulation 2(c), ch. IV, SOLAS 1960.) The present subsection (z) is redesignated "(aa)."
5. Present subsections (aa) through (dd) are redesignated "(bb)" through "(ee)," respectively, in order to conform to the new designation given the present subsection (z).
6. Present subsections (ee) and (ff) are deleted, inasmuch as the terms therein defined ("existing installation" and "new installation")



have not been employed in parts II and III of title III of the Communications Act or in the Commission's rules. Subsection (gg) is redesignated "(ff)."

Section 2 of this proposal amends section 351 of the Communications Act in the following respects:

1. The heading of that section is amended to read "Ship Radio Stations and Operations" to conform to SOLAS terminology.

2. Paragraph (1) of subsection (a) is amended as follows:

(i) The minimum gross tonnage of cargo vessels to which the compulsory radio requirements apply is lowered from 500 gross tons to 300 gross tons to conform to the Convention. (Regulations 3 and 4, ch. IV, regulation 12, ch. V, SOLAS 1960.)

(ii) The term "radio installation" is changed to "radio station" to conform to SOLAS terminology.

(iii) The term "radio officer" is used for clarification and in accordance with SOLAS terminology.

(iv) New subparagraphs "(i)" and "(ii)" are added to paragraph (1) of subsection (a). They require that all passenger ships, and all cargo ships of 1,600 gross tons and upward, be fitted with a radiotelegraph station, and permit cargo ships between 300 and 1,600 gross tons the option of carrying a radio-telephone station. This clarifies existing law (secs. 355 and 356 of the Communications Act), and reflects the new 300 gross ton exception provision of paragraph (1) of subsection (a).

3. Paragraph (2) of subsection (a) is clarified editorially.

4. The proviso clauses in paragraphs (1) and (2) of subsection (a) are deleted because they are no longer necessary.

Section 3 of this proposal would amend the following subsections of section 352 of the Communications Act:

1. Paragraph (6) of subsection (a) is amended by striking the words "on the Great Lakes."

(2) Paragraphs (7) and (8) are added to except from the provisions of part II, title III, of the act vessels navigating solely on the Great Lakes and the St. Lawrence River, and vessels which navigate both on the Great Lakes and on the open sea while those vessels are on the Great Lakes. (Regulation 3(b), ch. 1, and regulation 1(b), ch. IV, SOLAS 1960.)

3. Subsection (b) is amended to except nuclear ships from the Commission's exemption authority. (Regulation 3, ch. VIII, SOLAS 1960.) Paragraph (1) thereof makes it clear that a passenger ship meeting one of the voyage patterns described in this subsection may be exempted from the requirements of part II, title III, of the Communications Act. (See Western Trader, FCC 60-553.)

4. A new subsection (d) is added to spell out the Commission's authority to grant exemption from radio direction finding apparatus requirements (in accordance with regulation 12(b), ch. V, SOLAS 1960, as regards ships subject to SOLAS). This amendment is desirable to clarify the exemption authority of the Commission.

Section 4 of this proposal would amend section 353 in the following respects:

1. The heading is changed to read: "Radio Officers, Watches, Auto Alarm, Radiotelegraph Equipped Ships."

2. Since the SOLAS 1960 rectified previous ambiguity which existed in the SOLAS 1948 concerning the terms "installation" and "station," editorial clarifications have been made throughout this

section by replacing the terms "installation," "auto alarm," and "qualified operator" with the terms "station," "radiotelegraph auto alarm," and "radio officer."

3. Subsection (c) has been amended to include the phrase "while being navigated in the open sea outside of a harbor or port" in substitution for the present phrase "while being navigated outside a harbor or port." This change makes the language of subsection (c) of section 353 consistent with the phraseology of paragraph (1) of subsection (a) of section 351.

4. Subsection (c) has also been amended to provide that the continuous watch is to be maintained whenever the station is not being used for authorized traffic.

Section 5 of this proposal amends section 354 of the Communications Act to make editorial changes in subsection (a) and to change subsection (b) to require a continuous watch whenever the station is not used for authorized traffic. (Regulation 7, ch. IV, SOLAS 1960.)

Section 6 of this proposal would amend section 355 in the following respects:

1. The heading of section 355 is amended to read: "Technical Requirements—Radiotelegraph Equipped Ships."

2. New subsections (a) through (i) replace the present subsections (a) through (h) to conform to the technical requirements for radiotelegraph stations as set out in the following regulations found in chapter IV, SOLAS 1960.

355(a): Regulations 9(a)(i) and 9(b);

355(b): Regulations 8(a) and 8(e);

355(c): Regulations 8(b) and 8(c);

355(d): Regulations 9(e) and 9(h);

355(e): Regulation 9(g);

355(f): Regulation 9(j);

355(g): Regulations 9(k) and 9(o);

355(h): Regulations 8(d) and 11(f);

355(i): Regulations 11(a) and 11(b).

Section 7 of this proposal amends section 356 of the Communications Act to conform to the technical requirements for radiotelephone equipped ships as set out in regulation 4, chapter IV, SOLAS 1960, and to the following provisions of that chapter.

356(a): Regulations 14(a) and 14(b);

356(b): Regulations 15(b) and 15(f);

356(c): Regulation 15(c)(i); also section 356(c) is made consistent with section 355(e).

356(d): Regulation 15(i).

Section 8 of this proposal amends the heading and text of section 357 of the Communications Act by substituting "survival craft" in lieu of "lifeboat," to conform to the terminology used in Geneva 1959 and SOLAS 1960.

Section 9 of this proposal amends subsection (a) of section 359 of the Communications Act by making editorial amendments and by adding the requirement that the master of a ship of the United States equipped with a radio transmitting apparatus which encounters subfreezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall make the necessary transmission as provided by that subsection. (Regulation 2(a), ch. V, SOLAS 1960.)

Section 10 of this proposal amends section 361 of the Communications Act to change the terminology of the certificates to conform to the terminology used in the convention.

Adopted by the Commission December 9, 1964. Commissioner Lee absent.

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FEDERAL MARITIME COMMISSION,  
*Washington, D.C., May 20, 1965.*

HON. WARREN G. MAGNUSON,  
*Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of May 14, 1965, for the views of the Federal Maritime Commission with respect to S. 1949, a bill to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960).

Inasmuch as the bill does not affect the responsibilities or jurisdiction of the Commission, we express no views as to its enactment.

The Bureau of the Budget has advised that there would be no objection to the submission of this letter from the standpoint of the administration's program.

Sincerely yours,

JAMES V. DAY, *Vice Chairman.*

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DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., May 24, 1965.*

HON. WARREN G. MAGNUSON,  
*Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: Your request for comments on S. 1949, a bill to amend the Communications Act of 1934 to conform to the Convention for the Safety of Life at Sea, London (1960), has been assigned to this Department by the Secretary of Defense for the preparation of a report thereon expressing the views of the Department of Defense.

This bill would enact into law the International Convention for Safety of Life at Sea, 1960, giving it full force and effect. Pursuant to article XI of the Convention, the Inter-Governmental Maritime Consultative Organization has informed all governments which have signed or accepted the Convention (including the United States) that it shall come into force on May 26, 1965.

The Department of the Navy, on behalf of the Department of Defense, interposes no objection to the enactment of S. 1949.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report on S. 1949 for the consideration of the committee.

Sincerely yours,

C. R. KEAR, Jr.,  
*Captain, U.S. Navy,  
Deputy Chief  
(For the Secretary of the Navy).*



DEPARTMENT OF STATE,  
Washington, May 25, 1965.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of May 14, 1965, in which you request the Department's comments on S. 1949, a bill to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960).

The specific provisions of the bill are highly technical and are matters within the competence of the Federal Communications Commission. The Department of State has carefully reviewed the bill with respect to its foreign policy implications and has no objection to its enactment.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

DOUGLAS MACARTHUR II,  
Assistant Secretary for Congressional Relations  
(For the Secretary of State).

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., May 26, 1965.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated May 14, 1965, you requested our comments on S. 1949. The stated purpose of this measure is to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960).

We have no special information that would assist the committee in the consideration of S. 1949 and accordingly offer no comments with regard to the action to be taken thereon.

Sincerely yours,

JOSEPH CAMPBELL,  
Comptroller General of the United States.

U.S. DEPARTMENT OF JUSTICE,  
OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., June 18, 1965.

Hon. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1949, a bill to amend the Communications Act of 1934, as amended, to conform to the Convention for the Safety of Life at Sea, London (1960).



This bill has been examined, but since its subject matter does not directly affect the activities of the Department of Justice we would prefer not to offer any comment concerning it.

Sincerely,

RAMSEY CLARK,  
*Deputy Attorney General.*

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### COMMUNICATIONS ACT OF 1934, AS AMENDED

#### TITLE I—GENERAL PROVISIONS

##### DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) "Wire communication" or "communication by wire" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(b) "Radio communication" or "communication by radio" means the transmission by radio or writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

(c) "Licensee" means the holder of a radio station license granted or continued in force under authority of the Act.

(d) "Transmission of energy by radio" or "radio transmission of energy" includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission.

(e) "Interstate communication" or "interstate transmission" means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country; but shall not, with respect to the provisions of title II of this Act, include wire or radio communication between points in the same State, Territory, or possession of the

United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.

(f) "Foreign communication" or "foreign transmission" means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States.

(g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Canal Zone.

(h) "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this Act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(i) "Person" includes an individual, partnership, association, joint-stock company, trust, or corporation.

(j) "Corporation" includes any corporation, joint-stock company, or association.

(k) "Radio station" or "station" means a station equipped to engage in radio communication or radio transmission of energy.

(l) "Mobile station" means a radio-communication station capable of being moved and which ordinarily does move.

(m) "Land station" means a station, other than a mobile station, used for radio communication with mobile stations.

(n) "Mobile service" means the radio-communication of service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

(o) "Broadcasting" means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

(p) "Chain broadcasting" means simultaneous broadcasting of an identical program by two or more connected stations.

(q) "Amateur station" means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(r) "Telephone exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange and which is covered by the exchange service charge.

(s) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.

(t) "State commission" means the commission, board, or official (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to intrastate operations of carriers.

(u) "Connecting carrier" means a carrier described in clause (2), (3), or (4) of section 2(b).

(v) "State" includes the District of Columbia and the Territories and possessions.

(w) (1) "Ship" or "vessel" includes every description of watercraft or other artificial contrivance, except aircraft, used or capable

of being used as a means of transportation on water, whether or not it is actually afloat.

(2) A ship shall be considered a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers.

(3) A cargo ship means any ship not a passenger ship.

(4) A passenger is any person carried on board a ship or vessel except (1) the officers and crew actually employed to man and operate the ship, (2) persons employed to carry on the business of the ship, and (3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distressed, or other persons in like or similar situations or by reason of any circumstance over which neither the master, the owner, nor the charterer (if any) has control.

(5) "Nuclear ship" means a ship provided with a nuclear powerplant.

[(x) "Auto-alarm" on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. "Auto-alarm" on a ship of the United States subject to the provisions of part II of title III of this Act means an automatic alarm receiver complying with law and approved by the Commission. Nothing in this Act or in any other provision of law shall be construed to require the recognition of an auto-alarm as complying with part II of title III of this Act, on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus.]

(x) "Radiotelegraph auto alarm" on a ship of the United States subject to the provisions of part II of title III of this Act means an automatic alarm receiving apparatus which responds to the radiotelegraph alarm signal and has been approved by the Commission. "Radiotelegraph auto alarm" on a foreign ship means an automatic alarm receiving apparatus which responds to the radiotelegraph alarm signal and has been approved by the government of the country in which the ship is registered: Provided, That the United States and the country in which the ship is registered are parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. Nothing in this Act or in any other provision of law shall be construed to require the recognition of a radiotelegraph auto alarm as complying with part II of title III of this Act, on a foreign ship subject to such part, where the country in which the ship is registered and the United States are not parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus.

[(y) (1) For the purpose of part II of title III, a "qualified operator" or "operator" on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs.

[(2) For the purpose of parts II and III of title III, a "qualified operator" or "operator" on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.]

(y) (i) "Operator" on a ship of the United States means, for the purpose of parts II and III of title III of this Act, a person holding a



radio operator's license of the proper class as prescribed and issued by Commission.

(2) "Operator" on a foreign ship means, for the purpose of part II of title III of this Act, a person holding a certificate as such of the proper class complying with the provisions of the radio regulations annexed to the International Telecommunication Convention in force, or complying with an agreement or treaty between the United States and the country in which the ship is registered.

(z)(1) "Radio officer" on a ship of the United States means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's license as prescribed and issued by the Commission. When such person is employed to operate a radiotelegraph station aboard a ship of the United States, he is also required to be licensed as a "radio officer" in accordance with the Act of May 12, 1948 (46 U.S.C. 229a-h).

(2) "Radio officer" on a foreign ship means, for the purpose of part II of title III of this Act, a person holding at least a first or second class radiotelegraph operator's certificate complying with the provisions of the radio regulations annexed to the International Telecommunication Convention in force.

[(z)] (aa) "Harbor" or "port" means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.

[(aa)] (bb) "Safety convention" means the International Convention for the Safety of Life at Sea in force and the regulations referred to therein.

[(bb)] (cc) "Station license," "radio station license," or "license" means that instrument of authorization required by this Act or the rules and regulations of the Commission made pursuant to this Act, for the use or operation of apparatus for transmission of energy, or communications, or signals by radio by whatever name the instrument may be designated by the Commission.

[(cc)] (dd) "Broadcast station," "broadcasting station," or "radio broadcast station" means a radio station equipped to engage in broadcasting as herein defined.

[(dd)] (ee) "Construction permit" or "permit for construction" means that instrument of authorization required by this Act or the rules and regulations of the Commission made pursuant to this Act for the construction of a station, or the installation of apparatus, for the transmission of energy or communications, or signals by radio, by whatever name the instrument may be designated by the Commission.

[(ee)] "Existing installation," as used in section 355 of this Act, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

[(ff)] "New installation," as used in sections 355 and 356 of this Act, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this



Act, one which is installed subsequent to a date one year after the effective date of this subsection.】

【(gg)】 (ff) “Great Lakes Agreement” means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio in force and the regulations referred to therein.

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### TITLE III—PROVISIONS RELATING TO RADIO

\* \* \* \* \*

#### PART II—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

##### SHIP RADIO 【INSTALLATIONS】 STATIONS AND OPERATIONS

SEC. 351. 【(a) Except as provided in section 352 hereof it shall be unlawful—

【(1) For any ship of the United States, other than a cargo ship of less than five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act: *Provided*, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1955, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;

【(2) For any ship of the United States of sixteen hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finding apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission: *Provided*, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus.】

(a) *Except as provided in section 352 hereof it shall be unlawful—*

(1) *For any ship of the United States, other than a cargo ship of less than three hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than three hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio station in operating condition, as*

specified by subparagraphs (A) and (B) of this paragraph, in charge of and operated by one or more radio officers or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio station as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act.

(A) Passenger ships irrespective of size and cargo ships of one thousand six hundred gross tons and upward shall be equipped with a radiotelegraph station complying with the provisions of this part;

(B) Cargo ships of three hundred gross tons and upward but less than one thousand six hundred gross tons, unless equipped with a radiotelegraph station complying with the provisions of this part, shall be equipped with a radiotelephone station complying with the provisions of this part.

(2) For any ship of the United States of one thousand six hundred gross tons and upward to be navigated in the open sea outside of a harbor or port, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with efficient radio direction finding apparatus approved by the Commission, properly adjusted in operating condition as hereinafter provided.

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

SEC. 352. (a) The provisions of this part shall not apply to—

(1) A ship of war;

(2) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Canal Company;

(3) A foreign ship belonging to a country which is a party to any Safety Convention in force between the United States and that country which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect, or which ship is not subject to the radio provisions of any such Convention;

(4) Yachts of less than six hundred gross tons not subject to the radio provisions of the Safety Convention;

(5) Vessels in tow;

[(6) A vessel navigating solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.]

(6) A ship navigating solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States;

(7) *A ship navigating solely on the Great Lakes of North America and the River Saint Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, the sixty-third meridian, or to a ship leaving or attempting to leave any harbor or port of the United States for a voyage solely on such waters and within such area;*

(8) *A ship which is navigated during the course of a voyage both on the Great Lakes of North America and in the open sea, during the period while such ship is being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert lock at Montreal in the Province of Quebec, Canada.*

[(b) The Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

[(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or more than two hundred nautical miles between two consecutive ports;]

(b) *Except for nuclear ships, the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio station unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship or class of ships which falls within any of the following descriptions:*

(1) *Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or, alternatively, do not go more than two hundred nautical miles between two consecutive ports;*

(2) *Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;*

(3) *Passenger vessels of less than one hundred gross tons not subject to the radio provisions of the Safety Convention;*

(4) *Sailing ships.*

(c) *If, because of unforeseeable failure of equipment, a ship is unable to comply with the equipment requirements of this part without undue delay of the ship, the mileage limitations set forth in paragraphs (1) and (2) of subsection (b) shall not apply: Provided, That exemption of the ship is found to be reasonable or necessary in accordance with subsection (b) to permit the ship to proceed to a port where the equipment deficiency may be remedied.*

(d) *Except for nuclear ships, and except for ships of five thousand gross tons and upward which are subject to the Safety Convention, the Commission may exempt from the requirements, for radio direction finding apparatus, of this part and of the Safety Convention, any ship which falls within the descriptions set forth in paragraphs (1), (2), (3), and (4) of subsection (b) of this section, if it considers that the route or conditions of the voyage or other circumstances are such as to render such apparatus unreasonable or unnecessary.*

#### [OPERATORS, WATCHES, AUTO-ALARM—RADIOTELEGRAPH EQUIPPED SHIPS

[SEC. 353. (a) Each cargo ship required by this part to be fitted with a radiotelegraph installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted



with a radiotelegraph installation, shall, for safety purposes, carry at least two qualified operators.

[(b) A cargo ship, required by this part to be fitted with a radiotelegraph installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

[(c) Each ship of the United States required by this part to be fitted with a radiotelegraph installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided*, That in lieu thereof, on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.

[(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which is required by this part to be fitted with a radiotelegraph installation.

[(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.]

RADIO OFFICERS, WATCHES, AUTO ALARM-RADIOTELEGRAPH EQUIPPED SHIPS

SEC. 353. (a) *Each cargo ship which in accordance with this part is equipped with a radiotelegraph station and which is not equipped with a radiotelegraph auto alarm, and each passenger ship required by this part to be equipped with a radiotelegraph station, shall, for safety purposes, carry at least two radio officers.*

(b) *A cargo ship which in accordance with this part is equipped with a radiotelegraph station, which is equipped with a radiotelegraph auto alarm, shall, for safety purposes, carry at least one radio officer who shall have had at least six months' previous service in the aggregate as a radio officer in a station on board a ship or ships of the United States.*

(c) *Each ship of the United States which in accordance with this part is equipped with a radiotelegraph station shall, while being navigated in the open sea outside of a harbor or port, keep a continuous watch by means of radio officers whenever the station is not being used for authorized traffic: Provided, That, in lieu thereof, on a cargo ship equipped with a radiotelegraph auto alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a radio officer.*

(d) *The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States which in accordance with this part is equipped with a radiotelegraph station.*

(e) *On all ships of the United States equipped with a radiotelegraph auto alarm, said apparatus shall be in operation at all times while the ship is being navigated in the open sea outside of a harbor or port when the radio officer is not on watch.*

## OPERATORS, WATCHES—RADIOTELEPHONE EQUIPPED SHIPS

[SEC. 354. (a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator who may be a member of the crew holding only a certificate for radio telephone.

[(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.]

*SEC. 354. (a) Each cargo ship which in accordance with this part is equipped with a radiotelephone station shall, for safety purposes, carry at least one operator who may be the master, an officer, or a member of the crew.*

*(b) Each cargo ship of the United States which in accordance with this part is equipped with a radiotelephone station shall, while being navigated in the open sea outside of a harbor or port, maintain continuous watch whenever the station is not being used for authorized traffic.*

## TECHNICAL REQUIREMENTS—RADIOTELEGRAPH EQUIPPED SHIPS

[SEC. 355. This radio installation and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:

[(a) The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided*, That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided.

[(b) The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load waterline, and the location of such room or rooms shall be approved by the Commandant of the Coast Guard.

[(c) The main and emergency or reserve installations shall be capable of transmitting and receiving on the frequencies and types of waves designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

[(d) The main installation shall have a normal transmitting and receiving range of at least two hundred nautical miles, that is to say, it must be capable of transmitting and receiving clearly perceptible signals from ship to ship over a range of at least two hundred nautical miles by day under normal conditions and circumstances.

[(e) Sufficient power shall be available at all times to operate the main radio installation efficiently under normal conditions over the range specified in subsection (d) of this section.

[(f) The emergency or reserve installation shall include a source of energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. For the emergency or reserve installation, the normal range as defined in

subsection (d) of this section shall be at least one hundred nautical miles.

[(g) There shall be provided between the bridge of the ship and the radio room, and between the bridge and the location of the direction finding apparatus, when the direction finding apparatus is not located on the bridge, an efficient means of communication independent of any other communication system of the ship.

[(h) The direction finding apparatus shall be efficient and capable of receiving clearly perceptible radio signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding, and radio beacons by the General Radio Regulations annexed to the International Telecommunication Convention in force and in new installations after the effective date of this part, such other frequencies as the Commission may for safety purposes designate.]

*SEC. 355. The radiotelegraph station and the radio direction finding apparatus required by section 351 of this part shall comply with the following requirements:*

(a) *The radiotelegraph station shall include a main installation and a reserve installation, electrically separate and electrically independent of each other: Provided, That, in installations on cargo ships of three hundred gross tons and upward but less than one thousands six hundred gross tons, and in installations on cargo ships of one thousand six hundred gross tons and upward installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.*

(b) *The radiotelegraph station shall be so located that no harmful interference from extraneous mechanical or other noise will be caused to the proper reception of radio signals, and shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load waterline. The location of the radiotelegraph operating room or rooms shall be approved by the Commandant of the Coast Guard. The radiotelegraph installation shall be installed in such a position that it will be protected against the harmful effects of water or extremes of temperature, and shall be readily accessible both for immediate use in case of distress and for repair.*

(c) *The radiotelegraph operating room shall be of sufficient size and of adequate ventilation to enable the main and reserve radiotelegraph installations to be operated efficiently, and shall not be used for any purpose which will interfere with the operation of the radiotelegraph station. The sleeping accommodation of at least one radio officer shall be situated as near as practicable to the radiotelegraph operating room. In ships the keels of which are laid on or after May 26, 1965, this sleeping accommodation shall not be within the radiotelegraph operating room.*

(d) *The main and reserve installations shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.*

(e) *The main and reserve installations shall, when connected to the main antenna, have a minimum normal range of two hundred nautical miles and one hundred nautical miles, respectively; that is, they must be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over the specified ranges.*



(f) Sufficient electrical energy shall be available at all times to operate the main installation over the normal range required by subsection (e) of this section as well as for the purpose of charging any batteries forming part of the radiotelegraph station.

(g) The reserve installation shall include a source of electrical energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. The reserve source of energy and its switchboard shall be as high as practicable in the ship and readily accessible to the radio officer.

(h) There shall be provided between the bridge of the ship and the radiotelegraph operating room, and between the bridge and the location of the radio direction finding apparatus, when such apparatus is not located on the bridge, an efficient two-way system for calling and voice communication which shall be independent of any other communication system in the ship.

(i) The radio direction finding apparatus shall be efficient and capable of receiving signals with the minimum of receiver noise and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the radiotelegraph frequencies assigned by the radio regulations annexed to the International Telecommunication Convention in force for the purposes of distress, direction finding, and maritime radio beacons, and, in installations made after May 26, 1965, such other frequencies as the Commission may for safety purposes designate.

**[SEC. 356.** Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

**[(a)** The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

**[(b)** The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

**[(c)** The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

**[(d)** There shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c). If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.]

**SEC. 356.** Cargo ships of three hundred gross tons and upward but less than one thousand six hundred gross tons may, in lieu of the radiotelegraph station prescribed by section 355, be equipped with a radiotelephone station complying with the following requirements:

(a) The radiotelephone station shall be in the upper part of the ship, so located that it is sheltered to the greatest possible extent from noise which might impair the correct reception of messages and signals, and, unless such station is situated on the bridge, there shall be efficient communication with the bridge.

(b) *The radiotelephone installation shall be capable of transmitting and receiving on the frequencies, and using the classes of emission, designated by the Commission pursuant to law for the purposes of distress and safety of navigation.*

(c) *The radiotelephone installation shall have a minimum normal range of one hundred and fifty nautical miles; that is, it shall be capable of transmitting and receiving clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range.*

(d) *There shall be available at all times a main source of electrical energy sufficient to operate the installation over the normal range required by subsection (c) of this section. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six continuous hours under normal working conditions. In installations made on or after November 19, 1952, a reserve source of electrical energy shall be provided in the upper part of the ships unless the main source of energy is so situated.*

#### [LIFEBOATS] SURVIVAL CRAFT

SEC. 357. Every ship required to be provided with [lifeboat] survival craft radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, "radio equipment" shall include portable as well as nonportable apparatus.

#### APPROVAL OF INSTALLATIONS

SEC. 358. (a) Insofar as is necessary to carry out the purposes and requirements of this part, the Commission shall have authority, for any ship subject to this part—

(1) To approve the details as to the location and manner of installations of the equipment required by this part of equipment necessitated by reason of the purposes and requirements of this part.

(2) To approve installations, apparatus, and spare parts necessary to comply with the purposes and requirements of this part.

(3) To prescribe such additional equipment as may be determined to be necessary to supplement that specified herein, for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

#### TRANSMISSION OF INFORMATION

SEC. 359. [(a) The master of every ship of the United States equipped with radio transmitting apparatus, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities, in accordance with rules and regulations issued by the Commission, which authorities of the United States shall, when they

consider it necessary, promptly bring the information received by them to the knowledge of those concerned and foreign authorities interested.】

(a) *The master of every ship of the United States, equipped with radio transmitting apparatus, which meets with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, or encounters subfreezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall cause to be transmitted all pertinent information relating thereto to ships in the vicinity and to the appropriate authorities on land, in accordance with rules and regulations issued by the Commission. When they consider it necessary, such authorities of the United States shall promptly bring the information received by them to the knowledge of those concerned, including interested foreign authorities.*

(b) No charge shall be made by any ship or station in the mobile service of the United States for the transmission, receipt, or relay of the information designated in subsection (a) originating on a ship of the United States or of a foreign country.

(c) The transmission by any ship of the United States, made in compliance with subsection (a), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

(d) No charge shall be made by any ship or station in the mobile service of the United States for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(e) Notwithstanding any other provision of law, any station or carrier may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea. All free service permitted by this subsection shall be subject to such rules and regulations as the Commission may prescribe, which rules may limit such free service to the extent which the Commission finds desirable in the public interest.

#### AUTHORITY OF MASTER

SEC. 360. The radio installation, the operators, the regulation of their watches, the transmission and receipt of messages, and the radio service of the ship except as they may be regulated by law or international agreement, or by rules and regulations made in pursuance thereof, shall in the case of a ship of the United States be under the supreme control of the master.

#### CERTIFICATES

SEC. 361. (a) Each vessel of the United States to which the Safety Convention applies shall comply with the radio and communication provisions of said Convention at all times while the vessel is in use,



in addition to all other requirements of law, and *shall* have on board an appropriate certificate as prescribed by the Safety Convention.

(b) Appropriate certificates concerning the radio particulars provided for in said Convention shall be issued upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. [Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said Convention, and Exemption Certificates issued in lieu of such certificates, shall be issued by the Commission.] *Cargo ship safety radio telegraphy certificates, cargo ship safety radiotelephony certificates, and exemption certificates with respect to radio particulars shall be issued by the Commission.* Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith.

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